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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Criminal Case No. CR 09-00719-MHP
)
 Plaintiff,)
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)
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v.)
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)
GREGORY ALEXANDER,)
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Defendant.)
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)
STIPULATION OF PARTIES
FOR CONTINUANCE OF
STATUS HEARING
AND ~~PROPOSED~~ ORDER
San Francisco Venue

With the agreement of the parties, and with the consent of the defendant Gregory Alexander, the Court enters this order (1) vacating the first status hearing for the defendant Gregory Alexander, currently set for August 24, 2009 at 10:00 a.m.; and (2) setting a new status hearing for the defendant Gregory Alexander for September 14, 2009 at 10:00 a.m.. The parties agree, and the Court finds and holds, as follows:

1. The defendant Gregory Alexander was indicted for multiple counts of unauthorized access of a protected computer and aggravated identity theft on July 15, 2009.

Mr. Alexander was represented by retained counsel Seth Chazin, and entered not guilty pleas before Magistrate Trumbull in San Jose, California on July 17, 2009.

1 On that same day, Mr. Alexander was released on a personal appearance bond of
2 \$100,000 secured by the signatures of two financially responsible adults. He was
3 thereafter instructed to appear before Judge Whyte in San Jose on August 24, 2009
4 at 9:00 a.m. for a status hearing.

5 2. On July 28, 2009, Magistrate Trumbull issued an order appointing the Federal
6 Public Defender to represent Mr. Alexander. AFPD Lara Vinnard was assigned to
7 represent Mr. Alexander. ,
8 3. On July 31, 2009, a Notice of Related Case was filed by AFPD Vinnard, relating
9 the instant criminal case to an on-going civil matter CV-08-05126-MHP. The
10 United States did not oppose the request to relate the criminal matter.
11 4. On August 11, 2009, this Court issued an order relating the criminal case. On that
12 same date a notice of substitution of counsel was filed designating AFPD Elizabeth
13 Falk as assigned counsel to Mr. Alexander.
14 5. On August 11, 2009, pursuant to the Order Relating Case, Judge Whyte and Judge
15 Magistrate Seeborg was no longer assigned to the criminal matter and all dates
16 were previously set were ordered vacated.
17 6. On August 19, 2009, the parties were notified by e-mail that the previously set date
18 of August 24, 2009 for status hearing was reset for the same date before this Court.
19 7. Newly assigned defense counsel, AFPD Falk has been in telephone contact with
20 assigned AUSA Richard Cheng. The United States is in the process of providing
21 the first set of discovery materials to defense counsel, however it has not been
22 completed as of the date of the filing of this document. The United States
23 anticipates that discovery will be available in electronic and documentary form
24 during the week of August 24, 2009.
25 8. In light of the fact that defense counsel has not obtained discovery prior to the
26 status hearing date of August 24, 2009, a brief continuance of the first status
27 hearing date is requested by both parties.
28

1 9. Further, counsel for the United States, will be unavailable and out of the District
2 during the week of August 24 through August 23, 2009.
3 10. The parties, including defendant Gregory Alexander agree to a waiver of time for
4 the purposes of the Speedy Trial Act and agree that the period of time between
5 August 24, 2009 through September 14, 2009 may be excluded in light of the need
6 for additional time for adequate defense preparation.

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8 SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

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10 DATED: _____

RICHARD C. CHENG
Assistant U.S. Attorney

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12 DATED: _____

ELIZABETH FALK
Assistant Federal Public Defender
Attorney for Defendant

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal Case No. CR 09-cr-00719-MHP
Plaintiff,)
v.)
GREGORY ALEXANDER,)
Defendant.)
[PROPOSED] ORDER

For the reasons stated in the parties Stipulation To Continue Sentencing, and for good cause shown, the Court vacates the August 24, 2009 status hearing date with respect to the defendant Gregory Alexander, and sets a new status hearing date of September 14, at 10:00 a.m.

Further, based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between August 24, 2009 and September 14, 2009 would unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time

1 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
2 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
3 between August 24, 2009 and September 14, 2009 from computation under the Speedy Trial Act
4 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS
5 HEREBY ORDERED that the time between August 24, 2009 and September 14, 2009 shall be
6 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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8 DATED: 8/21/2009
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